

**Notice of Allowability**

Application No.

09/812,419

Examiner

CHUONG T. HO

Applicant(s)

HONDA ET AL.

Art Unit

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/16/06.
2. ☒ The allowed claim(s) is ~~12~~ renumbered as 1.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 2000-30062.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10/21/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dexter T. Chang on February 05, 2007.

2. The application has been amended as follows:

CLAIM 12, Line 11, replace "or an SF-P (signal fail (protection)) command " by - - or an SF-P, signal fail protection, command - - .

### ***Allowable Subject Matter***

3. Claim 12 is allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: Ikeda et al. (6643041) disclose a method for controlling switching in a bidirectional line-switched ring network configured with a plurality of optical fibers and a plurality of nodes where a switch request is transferred by using only K bytes (col. 3, lines 22-28, col. 4, lines 50-55); under the first state (at time T1) where the first node (node A) receives as input (a failure state command) and a second node (node B) adjacent to the first node (node A) receives the switch request from the first node (node A) via the optical fibers); under the second state (time T2) (see figure 13, col. 17, lines 18-30, col. 18, lines 5-12)

Takatori (5550805) disclose Wherein (a) where a first node (figure 4, col. 20-21, node E) receive as input an LP-S (lockout of protection (span)) command (see col. 4, lines 30-35, table 1, col. 6, lines 15-20) and a second node (see figure 4, col. 4, lines 5-9, lines 20-21) adjacent to the first node (figure 4, node E) receives the switch request from the first node via the optical fibers, said system comprises the steps of:

- i) when the second node (figure 4, node B) detects a failure on a line (see col. 6, lines 35-41) over which the second node (figure 4, node B) receives a signal (see col. 6, lines 35-41, the message along the short path) from the first node (figure 4, col. 6, lines 35-41, node E), and receives the switch request but cannot differentiate – by the K bytes therein – whether the switch request contains the LP-S command or an SF-P (signal fail (protection)) command, the second node transmitting a ring switch request to one or more other of the plurality of nodes (figure 4, col. 6, lines 56-59, nodes A, B, D, E, F, I) and SF-P are set as the same APS bytes);
- ii) each of the one or more other node that receives the ring switch request placing a protection channel of itself in a K bytes pass through state allowing only the K bytes to pass therethrough (col. 4, lines 52-63);

However, the prior art (6643041, 6625115, 6144633, 2002/0009091, 5550805, 6256292) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 12: “(b) under the second state where the first node ....., said method comprises steps I) and II) and further comprises the step of III) the first node transmitting the ring switch.....IV) each of the one or more other nodes..... V) the second node, after

receiving the ring switch request....VI) the first node executing the ring switch after receiving the ring switch request from the second node”

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/03/07



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